REMARKS/ARGUMENTS

The present amendment is submitted in an earnest effort to advance the case to issue without delay.

Claim 1 has been amended to now incorporate the elements of the pending claims 6 and 25. The latter two claims have been canceled. Since this is merely a consolidation of claims, the Examiner is requested to enter the amendment.

The Abstract of the Disclosure was objected to because the phrase "means" was said to be improper. Applicants have now corrected this informality.

Claims 1-11, 13-14, 19-22 and 25-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Compa et al. (US Patent 3,701,202) in view of Miller (US Patent 5,791,801). Applicants traverse this rejection.

Compa et al. was introduced as teaching a method and apparatus for treating fabrics. This is taught to be accomplished through a device 20 for attachment onto the inside of a dryer drum 34. The drum comprises a reservoir 22 for holding a fabric conditioning liquid, inner flow control members 30, and transfer member 84. The latter is utilized to transfer conditioning liquid onto fabrics being rotated inside the drum 34. Transfer member 84 is a foamed polyurethane. Attention was drawn to Figures 4 and 9.

Unlike the present invention, Compa et al. does not disclose a compressed foam. The reference refers to a foamed polyurethane 84 but provides no indication that it is present in a compressed state. Most especially, the reference does not disclose a foam that has been compressed to a ratio of 8 or more.

The Examiner in the Final Office Action refused to give any patentable weight to the word "compressed" because it is not a structure. Claim 1 as amended recites a compression ratio. There can be now no doubt that the word "compressed" has structure.

Secondly, Compa et al. fails to disclose an inner flow control member in the form of a membrane upstream from any foam.

Miller was introduced as teaching a polyurethane foam that is "permanently compressed to a predetermined thickness" and for "regulating the rate of fluid release from the applicator". Yet these are not the only considerations voiced by the reference.

Miller reports a compression ratio of about 3. See column 4, lines 41-42. At this compression ratio Miller advises that the pad has adequate liquid storage capacity to prevent unwanted dripping. The foam at the aforementioned compression ratio remains relatively compressible, so that scrubbing of the body or dabbing of the applicator further compresses the pad, causing release of stored liquid, and further fluid flow into the pad upon release. See column 4, lines 43-47. It would be evident to the skilled technician that a compression ratio much greater than about 3 would be too squeezed to hold any of the disclosed medical liquids. Thus, a pad with a compression ratio of 8 or more as in the presently claimed invention would not be recommended by the reference. This teaches away from the present invention.

A combination of Compa et al. in view of Miller would not render the instant invention obvious. Neither of the references discloses an inner flow control member that is a membrane. The Examiner has failed to present a prima facia case of obviousness with regard to this aspect of the claims.

Further, Compa et al. fails to disclose a foam that has been compressed. Miller does disclose a compressed foam but the compression ratio of about 3 is substantially different than the claimed compression ratio of 8 or more. Indeed, Miller teaches away from highly compressed pads because this reference requires the pad to have adequate liquid storage capacity to prevent unwanted dripping. Within the structural context of Miller, a pad with substantially higher than about 3 compression ratio would be deemed inferior if not inoperative.

Still further, those skilled in the art would hardly incorporate teachings of a liquid applicator for surgery (Miller) into a mechanism for distributing textile conditioners (Compa et al.). These technical fields are simply too distant. Based on the foregoing considerations, the combination of Compa et al. in view of Miller would not render the instant invention obvious.

In view of the foregoing amendment and comments, applicants request the Examiner to reconsider the rejection and now allow the claims.

Respectfully submitted,

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